

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-350
)	
Plaintiff,)	Lake County District Court
)	Montana Twentieth Judicial District
)	
-vs-)	DECISION
)	
JEROLD TIMOTHY WELLER,)	
Defendant.)	

On April 24, 2019, the Court sentenced the Defendant to the Montana State Prison for a period of ten (10) years, with no time suspended, for the offense of Count I: Criminal Possession with Intent to Distribute, a Felony, in violation of §45-9-103, MCA. The Court granted credit for time served in the amount of seventy (70) days. The sentence was recommended to run concurrent with the Missoula County sentence.

On November 8, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by John Ferguson, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 8th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



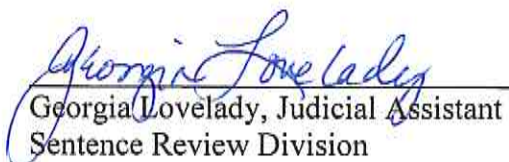
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Jerold Timothy Weller #3026375, Defendant (2)
Hon. James Manley
John J. Ferguson, Defense Counsel
James Lapotka, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division